IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 1720 of 2007(D)

PETITIONER:

RAJEEV, S/O. MADHAVAN, AGED 41 YEARS,
MULAKKEKUDI HOUSE, ASAMANOOR VILLAGE,
CHERUKUNNAMKARA, KUNNATHUNADU TALUK.

BY ADV. SRI.SIRAJ KAROLY

RESPONDENTS:

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1. THE VILLAGE OFFICER,
PERUMBAVOOR, PERUMBAVOOR P.O.

2. THE SUB INSPECTOR OF POLICE,
PERUMBAVOOR.

3. THE TAHSILDAR,
KUNNATHUNADU, PERUMBAVOOR.

4. THE REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA, REVENUE DIVISIONAL OFFICE,
MUVATTUPUZHA.

5. THE DISTRICT COLLECTOR,
ERNAKULAM, CIVIL STATION, KAKKANAD.

BY GOVERNMENT PLEADER SRI.SMITHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the sale deed No.10073/06 of Perumbavoor Sub registry.

Ext.P2: True copy of the tax receipt of the property.

Ext.P3: True copy of the photograph of the petitioner's property and surrounding property.

Ext.P3(a): True copy of the photograph of the petitioner's property and surrounding property.

Ext.P3(b): True copy of the photograph of the petitioner's property and surround property.

Ext.P4: True copy of the order dated 5-1-2007 is issued by the 1st respondent.

Ext.P5: True copy of the representation dated 11-1-2007 submitted by the petitioner to the respondent no.4 and copy to respondents 3 and 1.

// True copy //

P.A. to Judge

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C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.1720 OF 2007

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Dated this the 24th day of January 2007

JUDGMENT

Writ petition is filed to quash Ext.P4 order issued by the Village Officer prohibiting construction of residential house in petitioner's property. The case of the respondents is that the land is paddy field and construction of house is in violation of land utilization order. Government Pleader on instructions from Tahsildar reported that land as such is not fit for paddy cultivation. Moreover, from the photograph produced by the petitioner, it is seen that all neighbouring owners have constructed houses. Government Pleader, however, submitted that water flowing canal (thodu) is likely to be obstructed in the course of construction by the petitioner is the report of the Tahsildar.

2. In the circumstances, writ petition is allowed vacating the impugned Ext.P4 order but with directions to the petitioner to retain the canal to ensure that water flow is not affected and no flooding or stagnation takes place.

Writ petition is allowed.

C.N.RAMACHANDRAN NAIR, JUDGE

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